

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
Plaintiff(s),)
v.)
NICHOLAS OMARJUEN LEWIS,)
Defendant(s).)
Case No. 2:17-cr-00202-JCM-NJK
ORDER
(Docket No. 16)

On June 8, 2017, Defendant filed a notice of assertion of right regarding shackling. Docket No. 14. The notice relates to the issuance of the *en banc* decision in *United States v. Sanchez-Gomez*, __ F.3d __, 2017 WL 2346995 (9th Cir. May 31, 2017).¹ On June 13, 2017, the Government moved to strike that notice, arguing that it mischaracterizes the Ninth Circuit’s decision. Docket No. 16. Defendant filed a response. Docket No. 18. These filings are not tethered to any particular hearing, shackling request, or shackling determination. There is no live justiciable dispute before the Court. Accordingly, the motion to strike is **DENIED** without prejudice to the parties addressing the issues at an appropriate time if necessary.

IT IS SO ORDERED

Dated: July 5, 2017

NANCY J. KOPPE
United States Magistrate Judge

¹ On June 16, 2017, the Ninth Circuit entered a 90-day stay of the issuance of the mandate.